

Natl. Inst. of Stds. & Tech., Commerce

§ 295.20

common interest with other agencies, the Secretary intends to coordinate with other agencies as appropriate, but particularly where the Secretary determines that the subject is of substantial interest to another agency.

[55 FR 30145, July 24, 1990. Redesignated at 59 FR 667, Jan. 6, 1994]

**§ 295.12 Special financial reporting requirements.**

Each award under the Program shall contain procedures regarding financial reporting and auditing to ensure that awards are used for the purposes specified in these procedures, are in accordance with sound accounting practices, and are not funding existing or planned research programs that would be conducted in the same time period in the absence of financial assistance under the program.

[55 FR 30145, July 24, 1990. Redesignated at 59 FR 667, Jan. 6, 1994]

**§ 295.13 NIST technical assistance to recipients of awards.**

(a) Under the Federal Technology Transfer Act of 1986, the National Institute of Standards and Technology of the Technology Administration has the authority to enter into cooperative research and development agreements with non-Federal parties to provide personnel, services, facilities, equipment, or other resources except funds toward the conduct of specified research or development efforts which are consistent with the missions of the laboratory. In turn, the National Institute of Standards and Technology has the authority to accept funds, personnel, services, facilities, equipment and other resources from the non-Federal party or parties for the joint research effort. Cooperative research and development agreements do not include procurement contracts or cooperative agreements as those terms are used in sections 6303, 6304, and 6305 of title 31, United States Code.

(b) In no event will the National Institute of Standards and Technology enter into a cooperative research and development agreement with a recipient of awards under the Program which provides for the payment of Program funds from the award recipient to the

National Institute of Standards and Technology.

[55 FR 30145, July 24, 1990. Redesignated at 59 FR 667, Jan. 6, 1994]

**§ 295.14 Special financial reporting requirements.**

Each award by the Program shall contain procedures regarding financial reporting to ensure that awards are being used in accordance with Office of Management and Budget Circular A-122—"Cost Principles for Non-Profit Organizations", Federal Acquisition Regulation (FAR) part 31—"Contract Cost Principles and Procedures", or other sound accounting practices to be specified in the Cooperative Agreement. The audit principles to be applied to ATP awards are the Generally Accepted Accounting Principles (GAAP) according to the General Accounting Office's "Government Auditing Standards" subtitled "Standards for Auditing Government Organization, Program, Activities and Functions". Each award will be subject to an Attestation Engagement (i.e., providing assurance on representations of compliance with statutory, regulatory, and contractual requirements) or an audit in conjunction with the recipient's annual audit at least every two years. In the interest of efficiency, the recipients are encouraged to retain their own independent CPA firm to perform these services. The Department of Commerce's Office of Inspector General (OIG) reserves the right to determine the time frame and/or level of service of financial audit reports that are to be delivered and to determine how the close-out audit is to be conducted. The use of an independent CPA firm does not preclude the OIG's right to conduct its own audit.

[59 FR 670, Jan. 6, 1994]

**Subpart B—Assistance to United States Industry-Led Joint Research and Development Ventures**

**§ 295.20 Types of assistance available.**

This subpart describes the types of assistance that may be provided under the authority of 15 U.S.C. 278n(b)(1).